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6	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
7	ISAIAS PERALTA,	
8		G N G10 1000 MID
9	Petitioner,	Case No. C10-1890-MJP
10	V.	ORDER DISMISSING PETITION FOR WRIT OF
11	UNITED STATES OF AMERICA	HABEAS CORPUS
12	Respondent.	
13	The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and	
14	Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge,	
15	Petitioner's subsequent motions, and the remaining record, does hereby find and ORDER:	
16	The Court adopts the Report and Recommendation.	
17	2. Petitioner's proposed petition for writ of habeas corpus (Dkt. 1) is <b>DISMISSED</b>	
18	without prejudice.	
19	3. A certificate of appealability is <b>DENIED</b> with respect to all claims asserted by	
20	petitioner in his petition.	
21	Regarding Petitioner's motions filed after the issuance of Judge Tsuchida's Report and	
22	Recommendation, the Court has does hereby find and ORDER:	
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ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS - 1

- 1. Petitioner's motion to dismiss (Dkt. No. 5) is **DENIED**. Although it is difficult to discern, the Court believes Petitioner requests dismissal of his incarceration, not of his habeas petition. Because this is the same request as his petition for writ of habeas corpus, which the Court is hereby dismissing, the motion is denied.
- Petitioner's motion for summary judgment (Dkt. No. 6) is **DENIED**. Mere allegations of constitutional violations of are not sufficient on a motion for summary judgment.
- 3. Petitioner's motion for retraction of affidavits (Dkt. No. 7) is **DENIED**. The motion is unsupported by any text other than a motion title and the Court cannot discern which affidavits Petitioner refers to.
- 4. Petitioner's petition for writ of mandamus (Dkt. No. 8) is **DENIED**. The motion is unsupported by any text other than a motion title and cannot be a basis for a mandamus action.

The Clerk shall send copies of this Order to petitioner and to Judge Tsuchida.

DATED this 15th day of December, 2010.

Marsha J. Pechman

United States District Judge

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